

DEC 9 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

JOGHINDER SINGH,  
  
Petitioner,  
  
v.  
  
ERIC H. HOLDER, Jr., Attorney General,  
  
Respondent.

No. 12-70227

Agency No. A095-584-627

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted November 19, 2013\*\*

Before: CANBY, TROTT, and THOMAS, Circuit Judges.

Joghinder Singh, a native and citizen of India, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen removal proceedings. We have jurisdiction under 8 U.S.C. § 1252. We review for

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

an abuse of discretion the denial of a motion to reopen. *Toufighi v. Mukasey*, 538 F.3d 988, 992 (9th Cir. 2008). We deny the petition for review.

The BIA did not abuse its discretion in denying Singh's untimely second motion to reopen where Singh filed the motion over four years after the BIA's final decision, *see* 8 C.F.R. § 1003.2(c)(2), and failed to establish prima facie eligibility for relief, *see Toufighi*, 538 F.3d at 996-97. We reject Singh's contention the BIA failed to properly address his evidence, or otherwise abused its discretion in considering his claims. *See id.* at 992 ("This Court defers to the Board's exercise of discretion unless it acted arbitrarily, irrationally or contrary to law.").

**PETITION FOR REVIEW DENIED.**